

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN F. CANNIDA,
Plaintiffs,

vs.

CLARK COUNTY DETENTION, *et al.*,
Defendant,

2:07-cv-1616-KJD-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter is before the Court regarding Plaintiff, John F. Cannida's Application For Leave to Proceed *In Forma Pauperis* (#1) and the proposed Complaint (Attachment #1) thereto.

The Court having reviewed the Application (#1) and the proposed complaint attached thereto, makes the following findings:

1. On December 4, 2007, Plaintiff, John F. Cannida, filed an Application For Leave to Proceed *In Forma Pauperis* (#1) with a proposed Complaint (Attachment #1).
2. On December 13, 2007, the Court entered an Order (#2) setting a status hearing for January 8, 2008, at 9:00 a.m. Further, the Order (#2) advised Cannida that failure to attend the hearing "may result in this case being dismissed." Order (#2) at line 22.
3. The Order (#2) was served on the Plaintiff by Certified Mail. *See*, Certificate of Service (#6), date of delivery 12/15/07
4. Plaintiff, John F. Cannida did not appear at the hearing scheduled for January 8, 2008, and further did not contact the Court to provide a reason for his non-appearance at said hearing.

1 and brief the objectionable issues waives the right to appeal the District Court's order and/or
2 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
3 Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED this 28th day of March, 2008.

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8 ROBERT J. JOHNSTON
United States Magistrate Judge
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